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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,137	12/15/2003	Yoshikazu Kawamoto	1341.1165	9242
21171 7590 08/07/2007 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER AU, GARY	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 08/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/734,137	KAWAMOTO, YOSHIKAZU	
	Examiner	Art Unit	
	Gary Au	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/18/2007 has been entered.

Response to Arguments

2. Applicant's arguments filed 5/18/2007 have been fully considered but they are not persuasive.

The applicants features in the claims wherein a portable communication apparatus includes a radio communication unit that performs communication over a first radio wave, a detection unit that detects a second light wave having a predetermined flicker frequency in a predetermined area, a notification unit that notifies a user upon detecting the second light wave and a stop control unit that stops the radio communication unit from performing a radio communication function, reads on Baer, Fujii and admitted prior art.

Baer teaches a portable communication apparatus includes a radio communication unit that performs communication over a first radio wave, a detection

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unit that detects second wave having a predetermined frequency in a predetermined area, a stop control unit that stops the radio communication unit from performing a radio communication function. Fujii teaches notifying the user is present in the predetermined area. Also, the admitted prior art teaches that flicker frequency is well known in the art. As a result, Fujii and admitted prior art are used to modify Baer to show that these features are obvious to one of ordinary skill in the art.

In response to the applicants argument that the invention provides for stopping all radio communication during a period of time in which the communication unit detects a predetermined flicker frequency indicating a predetermined restricted area, the argument is not persuasive. Claim 1 recites "a stop control unit that stops the radio communication unit from performing a radio communication function, during a period of time in which the user is notified". The claim only recites a radio communication function which Baer teaches stopping the first transceiver when detecting the second wave (col. 5 lines 35-49). Therefore, Baer still reads on the claim.

In conclusion, the applicant's claims are written in such a fashion that the limitations read on Baer in view of Fujii and admitted prior art.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,782,266 Baer et al. (Baer) and further in view of admitted prior art.

Considering claims 7 and 21, Baer teaches a portable communication apparatus (wireless device 110 – figure 1, col. 2 lines 17-34), comprising: a radio communication unit that performs communication over a first radio wave (first transceiver 150 – figure 1, col. 4 lines 20-45); a detection unit that detects second wave having a predetermined frequency (second transceiver 152 – figure 1, col. 46-53) in a predetermined area (restricted wireless zone 102 – figure 1, col. 2 lines 17-34); and a stop control unit that stops the radio communication unit from performing a radio communication function when the detection unit detects the second wave having the predetermined frequency (col. 5 lines 35-49).

It is an admitted prior art that flicker frequency is well known in the art and that a skilled person in the art would understand the benefit of using a flicker frequency.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Baer's system to include the second wave having a predetermined flicker frequency, as taught by admitted prior art, for the advantage of adapting to the right frequency.

5. Claims 1-3, 8, 12, 13 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,782,266 Baer et al. (Baer) and further in view of US Patent No. 6,985,729 (Fujii) and further in view of admitted prior art.

Considering claim 1, Baer teaches a portable communication apparatus (wireless device 110 – figure 1, col. 2 lines 17-34), comprising: a radio communication unit that performs communication over a first radio wave (first transceiver 150 – figure 1, col. 4 lines 20-45); a detection unit that detects a second wave having a predetermined frequency (second transceiver 152 – figure 1, col. 46-53) in a predetermined area (restricted wireless zone 102 – figure 1, col. 2 lines 17-34); and a stop control unit that stops the radio communication unit from performing a radio communication function during the time the user is within the area (col. 5 lines 35-49). However, Baer does not disclose a notification unit that notifies a user of the portable communication apparatus with a notification when the detection unit detects the second wave having the predetermined frequency, the notification indicating that the portable communication apparatus is present in the predetermined area.

In an analogous art, Fujii teaches notifying the user is present in the predetermined area (col. 15 line 58 – col. 16 line 10).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Baer's system to include notifying the user is present in the predetermined area and stops the connection according to an instruction from the user, as taught by Fujii, for the advantage of allowing the user to make selections.

However, the combined system of Baer and Fujii does not teach that the second wave having a predetermined flicker frequency.

It is an admitted prior art that flicker frequency is well known in the art and that a skilled person in the art would understand the benefit of using a flicker frequency.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Baer and Fujii to include the second wave having a predetermined flicker frequency, as taught by admitted prior art, for the advantage of adapting to the right frequency.

Considering claim 12, Baer teaches a portable communication apparatus (wireless device 110 – figure 1, col. 2 lines 17-34), comprising: a radio communication unit that performs communication over a first radio wave (first transceiver 150 – figure 1, col. 4 lines 20-45); a detection unit that detects a second wave having a predetermined frequency (second transceiver 152 – figure 1, col. 46-53) in a predetermined area (restricted wireless zone 102 – figure 1, col. 2 lines 17-34), and that determines an attribute of the predetermined area (RWZ transceiver 126 – figure 1, col. 3 lines 14-35); a stop control unit that stops the radio communication unit from performing a radio communication function, and that stops the radio communication unit from performing the radio communication function when the attribute indicates the prohibited area (col. 5 lines 35-49). However, Baer does not disclose a notification unit that notifies a user of the portable communication apparatus a notification when the attribute indicates a warning area adjacent to a prohibited area, the notification indicating that the portable communication apparatus is present in the warning area and stops the radio communication unit according to an instruction from the user.

In an analogous art, Fujii teaches notifying the user is present in the predetermined area (col. 15 line 58 – col. 16 line 10) and stops the connection according to an instruction from the user (col. 9 lines 10-13).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Baer's system to include notifying the user is present in the predetermined area and stops the connection according to an instruction from the user, as taught by Fujii, for the advantage of allowing the user to make selections.

However, the combined system of Baer and Fujii does not teach that the second wave having a predetermined flicker frequency.

It is an admitted prior art that flicker frequency is well known in the art and that a skilled person in the art would understand the benefit of using a flicker frequency.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Baer and Fujii to include the second wave having a predetermined flicker frequency, as taught by admitted prior art, for the advantage of adapting to the right frequency.

Considering claim 2, Fujii further teaches the stop control unit receives an instruction from the user for a predetermined period after the notification is notified (col. 9 lines 10-13).

Considering claims 3, 8 and 13, Baer further teaches the second wave includes an electromagnetic wave (col. 3 lines 14-36).

Considering claim 17, Baer further teaches a stop cancellation unit that allows the radio communication unit to perform the communication function when the detection unit does not detect the second wave after the communication function is stopped (col. 8 lines 12-21).

Considering claim 18, Baer further teaches a storage unit that receives information to be transmitted over the first radio wave after the stop cancellation unit allows the radio communication unit to perform the communication function and that stores the information (memory 156 – figure 1, col. 4 lines 54-61).

Considering claim 19, Baer further teaches an alternative communication unit that holds alternative communication over a medium other than the first radio wave when the communication function is stopped (second transceiver 152 – figure 3, col. 5 lines 35-49).

6. Claims 4-6, 9-10 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,782,266 Baer et al. (Baer), US Patent No. 6,985,729 (Fujii) and admitted prior art as applied to claims 1, 7 and 12 above, and further in view of US Patent Application No. 2004/0087318 (Lipovski).

As to claims 4, 9 and 14, the combine system of Baer and Fujii teaches the electromagnetic wave but fails to disclose the wave frequency defined as light.

In an analogous art, Lipovski teaches the wave frequency defined as light (infrared, [0017]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Baer and Fujii to include the wave frequency defined as light, as taught by Lipovski, for the advantage of muting devices in restricted area.

As to claims 5, 10 and 15, the combined system of Baer of Fujii teaches the electromagnetic wave but fails to disclose the wave frequency defined as infrared.

In an analogous art, Lipovski teaches the wave frequency defined as infrared (infrared, [0017]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Baer and Fujii to include the wave frequency defined as infrared, as taught by Lipovski, for the advantage of muting devices in restricted area.

As to claims 6 and 16, the combined system of Baer of Fujii teaches the wave but fails to disclose the second wave includes an ultrasonic wave.

In an analogous art, Lipovski teaches the second wave includes an ultrasonic wave [0018]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Baer and Fujii to include the

second wave includes an ultrasonic wave, as taught by Lipovski, for the advantage of muting devices in restricted area.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bear et al. (6,782,266) and admitted prior art and in view of US Patent Application No. 2004/0087318 (Lipovski).

As to claim 11, the combined system of Baer teaches the wave but fails to disclose the second wave includes an ultrasonic wave.

In an analogous art, Lipovski teaches the second wave includes an ultrasonic wave [0018]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Baer to include the second wave includes an ultrasonic wave, as taught by Lipovski, for the advantage of muting devices in restricted area.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,782,266 Baer et al. (Baer), US Patent No. 6,985,729 (Fujii) and admitted prior art as applied to claim 17 above, and further in view of US Patent No. 6,760,605 Vannel et al. (Vannel).

As to claim 20, the combined system of Baer and Fujii teaches stopping the communication unit but fails to disclose restarting the communication function.

In an analogous art, Vannel teaches restarting the communication function (col. 5 lines 28-31).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Baer and Fujii to include restarting the communication function, as taught by Vannel, for the advantage of getting the system in default mode (col. 5 lines 28-31).

Conclusion


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-5pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA


RAFAEL PEREZ-GUTIERREZ
SUPERVISORY PATENT EXAMINER

8/3/02